

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

VIRGINIA BEACH MUSIC, et al.,)
)
Plaintiffs,)
)
v.) CIVIL ACTION NUMBER:
) 2:06-cv-90-WKW
MONTGOMERY MAULERS, LLC, et al.)
)
Defendants.)
)

NOTICE OF FILING IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

Plaintiffs Virginia Beach Music, Carter Boys Publishing, WB Music Corp., Mass Confusion Music, Center City Music, Pal Park Music, and EMI Full Keel Music Co. (“Plaintiffs”), by their attorney-in-fact the American Society of Composers, Authors and Publishers (“ASCAP”), hereby give notice of the filing of the Affidavit of Douglas Jones in Support of Plaintiffs’ Motion for Default Judgment and the Affidavit of Dylan C. Black. These materials are submitted in support of Plaintiffs’ motion for entry of default judgment against defendants for failure to appear or otherwise defend against the complaint. Plaintiffs further rely on the earlier Affidavit of Dylan C. Black, which was attached to plaintiffs’ Motion for Entry of Default (Doc. 4), which establishes that although defendants have been served with the complaint they have neither appeared nor taken any action to defend the complaint. In the intervening time since the filing of the earlier Black Affidavit, defendants have not appeared, defended the complaint, or contacted the undersigned counsel.

Plaintiffs are submitting these affidavits five days before the scheduled May 16, 2006, hearing on their motion for default judgment. Plaintiffs respectfully suggest that the affidavits submitted in support of their motion demonstrate the elements necessary for the entry of a default judgment in the amount of \$12,000, plus attorney's fees and costs in the amount of \$1,320.67 (through May 10, 2006). Further, Plaintiffs respectfully submit that since this testimony is uncontested there is no need for the currently-scheduled hearing on their motion. Plaintiffs expect that the testimony at any such hearing would be in all material respects identical to the testimony contained in these affidavits. Moreover, so far as counsel for plaintiffs can discern, defendants have taken no steps to attempt to defend themselves or otherwise address the fact of this lawsuit – even after the entry of default, the filing of plaintiffs' motion for default judgment, and the Court's Order of April 18, 2006. If the Court would prefer to proceed with the hearing as scheduled on May 16, 2006, however, Plaintiffs will attend.

Dated this 11th day of May, 2006.

Respectfully submitted,

s/ Dylan C. Black
Dylan C. Black (ASB-6595-K72D)
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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

None

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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Respectfully submitted,

s/ Dylan C. Black

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